IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 22916 of 1999

Between:

Y. Raja S/o Kullayappa, residing at Rayalacheruvu village, YadikiMandal, Anantapur District.

... PETITIONER

AND

1. The Transmission Corporation of Andhra Pradesh Limited Vidyuth Bhavan, Kadapa, represented by its Chief Engineer (Electricity), Kadapa Zone, Kadapa.

2. The Superintending Engineer (Assessments) Kadapa.

3. The Assistant Divisional Engineer/DPE.I, Kurnool.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ of Mandamus or any other appropriate writ or direction declaring the order of the first respondent passed in Appeal No.A.103-99-ATP dated 20-07-1999 confirming the orders of the second respondent passed in Proc.SE/A/CDP/FAO/Gooty/TDP/F.4/98-99/D.No.28/99 dated 30-04-1999 as illegal arbitrary and in violation of principles of natural justice.

Counsel for the Petitioner: MR. O.MANOHER REDDY

Counsel for the Respondents: SMT.M.VINOBHA DEVI

The Court made the following:

ORDER:

The petitioner herein who is running a Mineral Industry filed this writ petition *inter alia* seeking to assail the impugned orders of assessment passed on 30-04-1999 as confirmed in appeal on 20-07-1999, in regard to pilferage of energy found against him during inspection.

2. The case of the petitioner is that in the inspection made on 08-10-1998, on the allegation that there was pilferage; the present proceedings have been initiated. After giving notice and considering the explanation filed by the petitioner, the initial amount of assessment of Rs.7,09,002/- was reduced to Rs.2,69,678/- and the same was confirmed in appeal. Though the learned Counsel appearing for the petitioner raised several contentions in regard to the correctness of the findings on the pilferage of energy as alleged against the petitioner, the fact discloses that during the aforesaid inspection it was found that "the R phase potential lead removed from the second point terminal block and cut; and the B phase potential lead was removed from 5th point terminal block, meter terminal block and left".

3. Having regard to the said serious irregularities of pilferage by meddling with the meter, it was found that there was theft of energy by way of pilferage and ultimately the respondents authorities issued notice and after considering the objections raised by the petitioner, the impugned order of assessment was passed, which was confirmed by the appellate authority. On the face of the very allegation as made against the petitioner and as found during the inspection and especially in view of the concurrent findings arrived at by both the authorities holding that the petitioner is responsible for such meddling, which lead to theft of energy, it is not open to this Court to go into the correctness of such factual findings, in exercise of the powers under Article 226 of the Constitution of India. Even otherwise, it is seen that the appellate authority itself by taking into various circumstances, has drastically reduced the amount of assessment from Rs.7,09,002/- to Rs.2,69,678/-. In view of the same and especially in view of the glaring act of pilferage of energy, I do not find any merit in this writ petition.

4. The writ petition is accordingly dismissed. No costs.

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B. PRAKASH RAO, J

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Dt.30-12-2004

Glv

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

Copy to:

1. The Chief Engineer (Electricity),
Transmission Corporation of Andhra Pradesh Limited,
Vidyuth Bhavan, Kadapa, Kadapa Zone,
Kadapa.

2. The Superintending Engineer (Assessments) Kadapa.

3. The Assistant Divisional Engineer/DPE.I, Kurnool.

4. Two C.D copies.